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| 10/037,340      | 11/09/2001  | Jason K. Trotter     | ITWO:0014/YOD 13084 | 5849             |

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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
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3616

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

10/037,340

### Applicant(s)

TROTTER ET AL.

### Examiner

Ruth Ilan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) 12-14, 22, 23, 28-30, 36 and 54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 15-21, 24-27, 31-35, 37-53, 55 and 56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/25/04 has been entered.

#### ***Election/Restrictions***

2. Regarding claim 38, this claim was previously withdrawn from consideration as being directed to a non-elected species. Although awkwardly worded, it appears that this claim is directed to the embodiment of Figure 1, which includes inversely coupling the chambers of the piston cylinder arrangements. As such, this claim is no longer withdrawn from consideration. Additionally, regarding claims 12-14 and 28-30, and based on Applicant's comments with regard to the 112 2<sup>nd</sup> rejection of claims 12-14, it has become clear that the language of these claims intends to cover elements disclosed in relation to the non-elected embodiment of Figure 8. Claims 28-30, as best understood, are also drawn to the embodiment of Figure 8, since this is the only embodiment that discloses a mechanism between "the multiple sets" that can be a diaphragm or other device (see page 10, top through page 11.) As such, claims 12-14, 28-30 are withdrawn from consideration as being drawn to a non-elected species, there

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RF 8/9/04 being no allowable generic or linking claim. In summary, claims 12-14, <sup>20</sup>22, 23, 28-30 and 54 stand withdrawn from consideration, as being drawn to a non-elected claim.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of claim 48, of load distribution between forward and rear portions of the vehicle must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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### ***Specification***

4. The disclosure is objected to because of the following informalities: On page 1, line 9, the acronym SLE is used. It is not known what this acronym stands for. Additionally, the use of the term "MultiLink" with the unconventional capitalization is confusing. Is this term intended to be a trademark? If so, it should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no antecedent basis in the specification for the language of claims 43-46, "hydraulically and springably."

### ***Claim Objections***

6. Claim 10 is objected to because of the following informalities: In claim 10, line 3 "piston cylinder" should be "piston assembly." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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15-19, 21  
Claim 1-11, ~~15-21~~, 24-27, 43-53, 55 and 56 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s)

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contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 49 there is no support in the specification for the spring assembly "disposed about" the piston assembly. The spring assembly is located within the piston assembly. Claims 1, 17 and 49 recite "independent from shock absorption". Claim 43 recites "separate from absorbing shock". It is the Examiner's position that the disclosed invention would inherently absorb shock and the Applicant has not provided sufficient disclosure to explain how shock absorption would be avoided. For instance, each of the intermediate chambers with the spring assemblies would work to absorb shock.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

*P.I.  
8/9/04*

9. Claims 1-11, <sup>15-19, 20</sup>~~15-21~~, 24-27, 43-53, 55 and 56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 17 and 49 recite "independent from shock absorption". Claim 43 recites "separate from absorbing shock." These phrases render the intended scope of the claim unclear. As previously discussed, each of the disclosed piston assemblies will inherently absorb shock. It is unclear if what is intended is to claim that the stabilizer assembly will not absorb shock, or if additionally, there is a separate shock absorbing system. For the purposes of examination, it will be assumed that an additional shock absorber is included.

***Claim Rejections - 35 USC § 102***

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10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8/9/04 RE 15-19, 21  
As best understood, claims 1-11, ~~15-21~~, 24-27, 31-35, 37-53, 55 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Lund (US 5,087,073.) Lund teaches (Figures 1 and 4) a stabilizer system for a suspension system including first and second piston cylinder assemblies (70,80) including a set of inversely variable chambers and a spring assembly (315.) Also included are first and second conduits (60,50) coupled to movable suspension arms (17,18) for crosswise stabilization and coupled to inverse pairs of the first and second chambers. Regarding claims 5 and 9, also taught are linkage members (81, 73.) Regarding the limitation "for coupling to a desired one of the first and second movable suspension members", this limitation is intended use, and requires only the ability for the element to so perform, and as such has not been given any patentable weight. As shown in Figure 4, the piston assembly includes first and second pistons (300, 309) disposed about an intermediate chamber that has the spring assembly and compensates for volume differentials. Regarding claim 11, each of the coupled chambers can be termed "first chambers". Regarding the limitation "independent from shock absorption, as best understood, Lund teaches a separate shock absorber (39a.) Regarding the cross balancing of orientations as claimed in the method claims of claims 43-47, this method is disclosed throughout, and especially in col. 2, lines 39-col. 3, line 5. Regarding claim 48, Lund teaches a separate embodiment

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(Figures 6, 7a and 8) that includes distributing a longitudinal load between forward and rear portions of the vehicle.

### ***Response to Arguments***

11. Regarding the 112 2<sup>nd</sup> rejection, the Examiner agrees with Applicant's position that element 20 in the instant application is a shock absorber, however the scope of the claims is still unclear.

12. Applicant's arguments with respect to the prior art have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fujii, Greis et al., Germain et al., JP 2-296524, JP 11-291737, JP 2001-295876, Dalal, Millican, Vogel, and Mercier teach suspension systems of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 703-306-5956.

The examiner can normally be reached on Monday-Friday, 8:30-5:00.

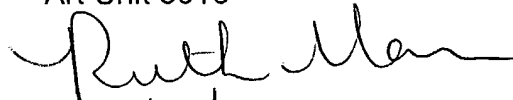
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth Ilan  
Primary Examiner  
Art Unit 3616

  
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RI  
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